

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Lisa S. Martin, Tracy A. Masson, Matthew S. Snyder, Philip F. Mallory		
Assignee:	Dell Products L.P.		
Title:	Inventory and Order Management Tool		
Serial No.:	09/773,102	Filing Date:	January 31, 2001
Examiner:	Lynda C. Jasmin	Group Art Unit:	3627
Docket No.:	DC-02830	Customer No.	33438

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Austin, Texas

May 7, 2008

*Electronically Submitted*

**PRE-APPEAL BRIEF REQUEST FOR REVIEW AND ARGUMENTS**

Sir:

Applicant requests review of the Final Rejection in the above-identified application. No amendments are being filed with the request. This request is being filed with a Notice of Appeal. The following sets forth a succinct, concise, and focused set of arguments for which the review is being requested.

**CLAIM STATUS**

Claims 1 and 3-18 stand rejected under 35 U.S.C. §103 as being unpatentable over Goss, U.S. Patent No. 6,236,901 B1 (Goss) in view of Shavit et al., U.S. Patent No. 4,799,156. Claims 1 and 3-18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Goss in view of Southam, U.S. Patent No. 6,594,641 (Southam).

**ARGUMENTS**

The present invention generally relates to a method for a manufacturer to order material. More specifically, in some embodiments, the invention relates to a method for a manufacturer to order material in which the material is not ordered until the manufacturer realizes a demand based upon orders received from customers. In other embodiments, the invention relates to a method for a manufacturer to order material in which the material from suppliers and supply logistics centers are considered when ordering the material to manufacture a computer system.

Goss discloses a build to order product assembly environment in which responsive to orders received; kit trays are prepared that each hold the components needed to build an ordered product.

The kit tray is transferred to a work cell where a team builds the product. The product is then tested and repaired, with information regarding any problems provided to the responsible work cell. Thus, within Goss, it is assumed that the components needed to prepare the kit trays are already present within the manufacturing facility. There is no discussion within Goss of how the components arrive at the manufacturing facility.

Accordingly, Goss provides no disclosure or suggestion relating to a method for a manufacturer to order material and specifically does not disclose or suggest material not ordered until the manufacturer realizes a demand, the manufacturer realizes the demand for the material after orders are received from customers, fulfilling the orders requires assembling products, and assembling the products requires the material.

Shavit discloses a system for interactive on-line electronic communications and processing of business transactions between a plurality of different types of independent users including sellers, and buyers, as well as financial institutions, and freight service providers. The system includes a data base which contains user information. The data base is accessed via a validation procedure to permit business transactions in an interactive on-line mode between users during interactive business transaction sessions where one party to the transaction is specifically selected by the other party. The system permits concurrent interactive business transaction sessions between different users.

When discussing Shavit, the Examiner set forth:

Shavit et al. discloses that it is well known in the art of supply chains to identify suppliers and distributors capable of supplying materials by considering quantities of inventory available. Shavit et al discloses where buyers can contact suppliers and distributors with request for quotes (RFQ) which inherently includes quantities desired that are compared to quantities available by the suppliers and distributors in order to determine if the order can be filled with the benefit of providing automated means for procuring desired materials/components. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the method of supplying materials and manufacturing computers of Goss with the on-line ordering involving considering of quantities available from suppliers and distributors of Shavit et al., in order to provide automated means for procuring desired materials/components (Office Action dated 09/06/07, Pages 3-4).

However, as with Goss, Shavit does not disclose or suggest a method for a manufacturer to order material and specifically does not disclose or suggest material not ordered until the manufacturer realizes a demand, the manufacturer realizes the demand for the material after orders are received from customers, fulfilling the orders requires assembling products, and assembling the products requires the material. Additionally, it is noted that a request for quote does not inherently include quantities desired, much less identifying a supplier or a supplier logistics center to receive an

order for material based upon considering the quantity of material available from the plurality of suppliers and considering the quantity of materials available from the plurality of supplier logistic centers and ordering material from the supplier or supplier logistics center identified to receive the order.

Southham discloses allowing customers to purchase boutique or specialty items directly from a supplier or wholesaler. The items for purchase are those conventionally available only through retailers such as local boutiques or specialty shops. The system allows a customer to visit a website and place an order for the product by providing information on which products are desired for purchase, the mailing address to which the products are to be sent, payment type, and optionally selecting a local retailer the customer enjoys frequenting to which the profits are to be directed. The supplier then processes the order and sends the customer the desired products, charging the customer normal retail prices. The supplier protects its business relationships with the local retailer by crediting the retailer for some or all of the profit the retailer normally would have received had it made the sale of the product. The recipient retailer is either chosen by using the retailer selected by the customer during the ordering process or, if a retailer was not chosen, by determining that product-carrying boutique which is geographically closest to the mailing address given by the customer.

When discussing Southham, the Examiner set forth:

Southham discloses that it is well known in the art of supply chains to identify suppliers and warehouses capable of supplying materials by considering quantities of inventor available to provide automated means for producing desired materials. Southham discloses an on-line ordering system utilizing stock databases (such as database 46) containing stock information pertaining to each warehouse to verify that sufficient quantities of the desired products are available and to locate the closest supply source. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the method of supply materials and manufacturing computers of Goss with the on-line ordering involving considering of quantities available from suppliers and distributors of Southham, in order to provide automated means for procuring desired materials/components (Office Action dated 09/06/07, Pages 4-5).

However, as with Goss and Shavit, Southham does not disclose or suggest a method for a manufacturer to order material and specifically does not disclose or suggest material not being ordered until the manufacturer realizes a demand, the manufacturer realizes the demand for the material after orders are received from customers, fulfilling the orders requires assembling products, and assembling the products requires the material.

Thus, Goss, Shavit and Southham, taken alone or in combination, do not disclose or suggest a method which includes sending electronically an order for the particular material to the supplier or

supplier logistics center identified to receive the order much less such a method where the material is not ordered until a manufacturer realizes a demand where the manufacturer realizes the demand for the material after orders are received from customers and where fulfilling the orders requires assembling the products and assembling the products requires the material, all as required by claim 1.

More specifically, Goss, Shavit and Southam, taken alone or in combination do not teach or suggest a method for a manufacturer to order material where the method includes, *identifying a supplier or a supplier logistics center to receive an order for the material based upon the considering the quantity of material available from the plurality of suppliers and considering the quantity of materials available from the plurality of supplier logistic centers, and sending electronically an order for the particular material to the supplier or supplier logistics center* identified to receive the order and wherein the material is not ordered until a manufacturer realizes a demand where *the manufacturer realizes the demand for the material after orders are received from customers and where fulfilling the orders requires assembling products and assembling the products requires the material*, all as required by amended independent claim 1. Accordingly, claim 1 is allowable over Goss, Shavit and Southham. Claims 3 – 6 depend from claim 1 and are allowable for at least this reason.

Additionally, Goss, Shavit and Southham, taken alone or in combination, do not disclose or suggest identifying **a supplier or supplier logistics center** to receive an order for a material based upon considering a quantity of a material available, much less ordering the material from the supplier or supplier logistic center identified to receive the order and assembling the computer system at an assembly facility from the material received at the assembly facility, as required by claim 7 and as generally required by claims 13 and 19.

More specifically, Goss, Shavit and Southham Peterson, taken alone or in combination do not teach or suggest a method of assembling a computer system, much less such a method which includes *identifying a supplier or a supplier logistics center to receive an order for the material based upon considering the quantity of material available from the plurality of suppliers and considering the quantity of materials available from the plurality of supplier logistic centers*, ordering the material from the supplier or supplier logistics center identified to receive the order, and assembling the computer system at an assembly facility from the material received at the assembly facility, all as required by independent claim 7. Accordingly, claim 7 is allowable over Goss, Shavit and Southham. Claims 8 – 12 depend from claim 7 and are allowable for at least this reason.

Goss, Shavit and Southham, taken alone or in combination do not teach or suggest a method of manufacturing *a computer system*, much less such a method which includes considering a quantity of a material available from a plurality of supplier logistics centers via a computer system, *identifying a supplier to receive an order for the material based upon considering the quantity of material available from the plurality of suppliers and considering the quantity of materials available from the plurality of supplier logistic centers*, sending electronically an order for material to the supplier or supplier logistics center identified to receive the order, and manufacturing the computer system at a manufacturing facility using the material received at the manufacturing facility, all as required by independent claim 13. Accordingly, claim 13 is allowable over Goss, Shavit and Southham. Claims 14 – 18 depend from claim 13 and are allowable for at least this reason.

In view of the arguments set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, please telephone the undersigned.

Electronically Filed

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